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Michael Gabler
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4-25-06
DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Michael Gabler
Serial No. : 10/780,387
Filing Date : February 17, 2004
For : GAS GENERATOR
Art Unit : 3641
Examiner : James S. Bergin
Attorney Docket : TRW (AS) 6953

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ELECTION

Sir:

In response to the requirement for restriction in the office action dated March 27, 2006, the applicant hereby elect species 1, sub-species 1A of Figs. 1 and 3-5 with traverse. Currently, claims 1-5 and 9-12 are readable on species 1, sub-species 1A of Figs. 1 and 3-5.

The election of species is respectfully traversed. The M.P.E.P. §803 states that a restriction is proper when (A) the

inventions are independent or distinct; and (B) examination of the inventions causes a serious burden on the examiner. To prove that the examination causes a serious burden, the examiner must show by adequate explanation that the inventions require a separate classification, or separate status in the art, or a different field of search. M.P.E.P. §808.02 A separate classification requires that each distinct subject has attained recognition in the art as a separate subject for inventive effort, and also a separate field of search. A showing of a separate status in the art, when the inventions are classifiable together, requires that each subject is shown to have formed a separate subject for inventive effort when an explanation indicates a recognition of separate inventive effort by inventors. A different field of search results "[w]here it is necessary to search for one of the distinct subjects in places where no pertinent art to the other subject exists..." See, M.P.E.P. §808.02.

Reconsideration of the election of species is respectfully requested. The examiner has not shown a prima facie case for restricting the claims. Further, it is respectfully suggested that an examination of all species does not result in a serious burden on the examiner. Since the above-stated criteria for a proper restriction have not been met, the election of species should be withdrawn.

In view of the foregoing, withdrawal of the requirement for election and an early action with respect to the claims is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,



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